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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,138	10/27/2003	Lee C. Moore	D/A2471	3243
7590	12/17/2007		EXAMINER	
Ortiz & Lopez, PLLC P.O. Box 4484 Albuquerque, NM 87196-4484			MCCORMICK, GABRIELLE A	
			ART UNIT	PAPER NUMBER
				3629
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			12/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/694,138	MOORE, LEE C.
Examiner	Art Unit	
Gabrielle McCormick	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 October 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) 2 and 4-12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/27/2003
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Status of Claims***

1. This action is in reply to the application filed on October 27, 2003.
2. Claims 1-20 are currently pending and have been examined.

### ***Information Disclosure Statement***

3. The Information Disclosure Statement filed on October 27, 2003 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### ***Claim Objections***

4. Claims 2, 4, 5, 6, 7, 8, 9, 10, 11 and 12 objected to because of the following informalities:
5. Claims 2, 6, 7, 10 and 11 depend from Claim 1 which provides "a catalogue". The dependent claims refer to a "catalog". The applicant should provide consistent spelling throughout the claims.
6. Claims 4, 8, and 12 claim "an electronic interfaces". The Examiner assumes that this is a misspelling of "interface".
7. Claim 5 contains the phrase "where at the selection is produced..." It is assumed that the inclusion of the word "at" is in error.
8. Claim 9 contains the phrase "distribution facilities authentication..." It is assumed that the possessive form was intended, as such: "distribution facilities' authentication".
9. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Claim 1 recites the limitation "the customer" in line 10. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 9 is unclear as to what is being scheduled, distribution of the selection or distribution of the facilities. If the latter, it is unclear how one automatically schedules distribution of facilities. It is further unclear how a traveler's identity is authenticated as a result of scheduling distribution. It is also unclear how the selection is made available to the traveler after the traveler's identity is authenticated by distribution "facilities". In other words, the claim appears to require some type of identification verification, but the language points to a single traveler's identity being authenticated by a plurality of facilities. The claim is sufficiently unclear as to afford a reasonable understanding of the metes and bounds of the claim.

14. Claim 13 recites the limitations "the publications" in line 2; "traveling customers" and "the customer's" in line 3. There is insufficient antecedent basis for these limitations in the claim. The claim language alternatively refers to a singular traveler/customer and a plurality of traveling customers. This renders the claim indefinite by stating "a publication" is ordered "by a traveler" and having "the publications" ready for "customers after the customer's arrival"...

15. Claim 15 recites the limitation "the electronic interface" in line 2. There is insufficient antecedent basis for this limitation in the claim. The claims from which claim 15 depends recite the use of a *remote* electronic interface.

16. Claim 18 recites the limitations "the publications" in line 2; "traveling customers" and "the customer's" in line 3. There is insufficient antecedent basis for these limitations in the claim. The

claim language alternatively refers to a singular traveler/customer and a plurality of traveling customers. This renders the claim indefinite by stating "a publication" is ordered "by a traveler" and having "the publications" ready for "customers after the customer's arrival"...

17. Claim 20 recites the limitation "electronic interfaces" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 18 (from which claim 20 depends) recites the use of an electronic interface (singular).

### ***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lundgren (US Pub. No. 2003/0048471).
20. **Claim 13:** Lundgren discloses providing aircraft passengers (i.e., en-route customer) with Internet access (para. [0003]) whereby a "laptop computer or handheld computer" is connected "to an Internet web site for accessing a printing management application" where printing is performed "at a designated airport or at other locations designated by the user." (para. [0007]). When selecting the printing and delivery options, including printing to printers at airports, the traveler is able to electronically select production facilities near the traveler's destination. (para. [0018]). The document is printed at the location specified by the traveler and is picked up "at the airport after the aircraft has landed." (para. [0020]), thus the document is distributed to a pick-up facility as chosen by the traveler. Lundgren discloses that documents can be reviewed from the Internet (para. [0004]). In this regard, it is obvious that documents that are reviewed from the

Internet include previously published works, i.e., *publications*. Therefore, publications are ordered from the Internet when the traveler provides user ID and billing information to the printing services application (para. [0018]).

21. **Claims 1-12 and 14-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundgren (US Pub. No. 2003/0048471) in view of Marsh (US Pub. No. 2002/0061238).
22. **Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19 and 20:** Lundgren discloses providing aircraft passengers (i.e., en-route customer) with Internet access (para. [0003]) whereby a "laptop computer or handheld computer" is connected "to an Internet web site for accessing a printing management application" where printing is performed "at a designated airport or at other locations designated by the user." (para. [0007]). When selecting the printing and delivery options, including printing to printers at airports, the traveler is able to electronically select production facilities near the traveler's destination. (para. [0018]). Lundgren further discloses requiring "user identification (ID) and account information, including billing information such as a credit card number" be provided to the printing services application. This information is used to "track any print job initiated through the printing services application." (para. [0018]). It is obvious that upon pick-up of the selection, the traveler's identity would be authenticated in that the print order would be matched against the user ID and the billing information provided by the traveler when the selection was ordered. A remote pick-up location would be motivated to verify customer IDs and account information to ensure that print orders are released to the customer who ordered it.
23. Lundgren does not disclose a *catalogue from which publications can be selected*.
24. Marsh, however, discloses an online system for ordering and printing books on demand in which customers access via the Internet to view the books in the digital library (i.e., preview the books in a catalogue or database), select and order the book and command the book to be printed.
25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included selecting and previewing publications to be printed from an online

catalogue, as disclosed by Marsh in the system disclosed by Lundgren, for the motivation of fulfilling book orders without the need to stock the inventory. (March; para. [0052]). Furthermore, books that are no longer in print would be able to be ordered. By having provided Internet access to airline passengers, Lundgren foresaw the use of Internet shopping (Lundgren; para. [0003]: the system offers "Internet services while in-flight"). Therefore, ordering anything from the Internet, including books to be printed on demand, is an obvious expansion of Lundgren's system.

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
27. The following U.S. patent are cited to further show the best domestically patented prior art found by the examiner:
  - a. U.S. Pat. No. 6,678,579 to Butikofer: A publication dispensing kiosk is disclosed which allows travelers to obtain a copy of a publication.
28. The following non-patent literature is cited to show the best non-patent literature prior art found by the examiner:
  - a. "Inflightonline.com Launches Flying Newsstand". The Write News. August 4, 2000: on-line shopping is provided to airline passengers.
  - b. Wui, Yu Wui. "Web surfing in the sky; [2\* Edition]". New Straits Times. Kuala Lumpur: Nov. 3, 1999. pg. 14: Amazon.com allows passengers to buy books in-flight and have them delivered anywhere in the world.
  - c. "One Bookstore Will Open While Another Closes; [ONE STAR Edition]". Pittsburgh Post-Gazette. Pittsburgh, Pa.: Aug. 13, 2000. pg. G.8: books can be printed-on-demand at bookstores.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is 571-270-1828. The examiner can normally be reached on Monday - Thursday (6:00- 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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